1   AN ACT

2 relating to disclosure and use of certain information regarding the

3 Crime Victims' Compensation Act.

4   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5   SECTION 1.   Subchapter B, Chapter 56, Code of Criminal

6 Procedure, is amended by adding Article 56.65 to read as follows:

7   Art. 56.65.   DISCLOSURE AND USE OF INFORMATION.   (a)   This

8 article does not apply to information made confidential by law.

9   (b)   An application for compensation under this subchapter

10 and any information, document, summary, or other record provided to

11 or received, maintained, or created by the attorney general under

12 this subchapter is:

13   (1)   except   as   provided   by   Section   552.132(c),

14 Government Code, not subject to disclosure under Chapter 552 of

15 that code; and

16   (2)   except as provided by Subsection (c), not subject

17 to disclosure, discovery, subpoena, or other means of legal

18 compulsion for release.

19   (c)   The attorney general may not release or disclose an

20 application for compensation under this subchapter, or any

21 information, document, summary, or other record provided to or

22 received, maintained, or created by the attorney general under this

23 subchapter, except:

24   (1)   by court order for good cause shown, if the order

1

1 includes a finding that the information is not available from any

2 other source;

3   (2)   with the consent of:

4   (A)   the claimant or victim; or

5   (B)   the person that provided the information to

6 the attorney general;

7   (3)   to an employee or other person under the direction

8 of the attorney general;

9   (4)   to another crime victims' compensation program

10 that meets the requirements of 42 U.S.C. Section 10602(b);

11   (5)   to a person authorized by the attorney general to

12 receive the information in order to:

13   (A)   conduct an audit as required by state or

14 federal law;

15   (B)   provide a review or examination under Article

16 56.38, 56.385, or 56.39 or under another provision of this

17 subchapter for the purpose of determining the appropriateness of an

18 award under this subchapter;

19   (C)   prevent, deter, or punish fraud related to

20 this subchapter; or

21   (D)   assert subrogation or restitution rights;

22   (6)   as the attorney general determines necessary to

23 enforce this chapter, including presenting the application,

24 information, document, summary, or record in court; or

25   (7)   in response to a subpoena that is issued in a

26 criminal proceeding and that requests an application for

27 compensation under this subchapter, subject to Subsection (d).

1   (d) If responding to a subpoena described by Subsection

2 (c)(7), the attorney general shall release only the victim's

3 completed application form as described by Article 56.36(a) after

4 redacting any confidential information described by Section

5 552.132(b), Government Code. The release of a victim's completed

6 application form under this subsection does not affect the

7 authority of the court to order the release or disclosure of

8 additional information under this article.

9   SECTION 2. The change in law made by this Act applies only

10 to a request for information that is received on or after the

11 effective date of this Act. A request for information that was

12 received before the effective date of this Act is governed by the

13 law in effect on the date the request was received, and the former

14 law is continued in effect for that purpose.

15   SECTION 3. This Act takes effect September 1, 2017.

_____   _____
    President of the Senate   Speaker of the House

    I hereby certify that S.B. No. 843 passed the Senate on March 29, 2017, by the following vote: Yeas 31, Nays 0.

                                    _____
                                  Secretary of the Senate

    I hereby certify that S.B. No. 843 passed the House on May 2, 2017, by the following vote: Yeas 146, Nays 0, one present not voting.

                                    _____
                                  Chief Clerk of the House

Approved:

_____
          Date

_____
          Governor